
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Jeannine M. Mason)	File No. EB-FIELDWR-12-00004903
Licensee of Station KTZZ)	
Facility ID 81886)	
Conrad, MT)	NOV No. V201332800024
)	

NOTICE OF VIOLATION

Released: December 3, 2012

By the District Director, Denver District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Jeannine M. Mason (Mason), licensee of radio station KTZZ serving Conrad, Montana. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On August 10, 2012, an agent of the Enforcement Bureau's Denver District Office attempted to inspect radio station KTZZ, located at 3313 15th Street NE, Black Eagle, Montana, and observed the following violations:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part..." On August 10, 2012, the agent monitored a Studio-Transmitter-Link (STL) on frequency 946.5 MHz, and heard KTZZ's call sign and content being transmitted. The agent confirmed by direction finding techniques that the signal on 946.5 MHz was emanating from the KTZZ studio at 3313 15th Street NE, in Black Eagle, MT. A search of the Commission's records revealed that KTZZ did not have an authorization to transmit on 946.5 MHz.
- b. 47 C.F.R. § 73.1225(a): "The licensee of a broadcast station shall make the station available for inspection by representatives of the FCC during the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

station's business hours, or at any time it is in operation.” On August 10, 2012, the agent observed that the station was locked and unattended. Multiple telephone calls to the station throughout that day were not answered, and two voice messages were not returned that day. The agent taped his business cards to the doors with a note requesting to inspect the station. No alternative contact information was found at the main studio or in the station’s telephone message. The station was not available for inspection on August 10, 2012.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Mason must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Mason to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Mason, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the regulatee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

Federal Communications Commission
Denver District Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226

6. This Notice shall be sent to Jeannine M. Mason at her address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Nikki P. Shears
District Director
Denver District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).